

Appl. No.: 10/036,304

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assumed that the examiner intended to reject claims 1-21 under 35 U.S.C. §103(a) as being unpatentable over Walsh (US 6,144,848) in view of Herrod et al. (US 6,405,049 B2) and Schwoegler (6,590,529 B2). The examiner is requested to clarify the grounds of the rejection in the next office action.

The cited art does not disclose or suggest a system for switching between displaying the transfer rate in an alphanumeric mode and a graphics mode.

The examiner stated:

"Walsh et al discloses a system (figs. 1-3) for displaying data transfer rates on a display comprising: a system for displaying the transfer rates in an alphanumeric mode or an alternative graphics mode (col. 3, line 40- col. 4, line 8; col. 17, line 5- col. 18, line 41; col. 4, lines 10-47; col. 17, line 5- col. 18, line 41; col. 35, line 21- col. 36, line 26).

The examiner has made an error. Applicants' attorney has reviewed Walsh in detail. Walsh does not disclose a system for displaying the transfer rates in an alphanumeric mode or an alternative graphics mode. Walsh appears to be silent regarding how, or even if, a data transfer rate is displayed. Please note, claim 1 is in regard to display of a data transfer rate; not merely a data transfer. For example, Fig. 3A of the present patent application shows data transfer rates in a graphics mode (the right and left arrows being full or not) and Fig. 3B shows data transfer rates in an alphanumeric mode (145 kbps and 28 kbps; (kbps=kilobits-per-second)). Walsh appears to be silent regarding how, or even if, a data transfer rate is displayed.

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As the examiner admitted, Walsh et al. does not disclose a system for switching between displaying the transfer rates in an alphanumeric mode and a graphics mode.

The examiner is directed to Figs. 3A and 3B of applicants' patent application. Fig. 3A shows an example of a graphics mode of displaying a data transfer rate. Figs. 3B shows an example of an alphanumeric mode of displaying a data transfer rate. Fig. 5 shows an example of how a user can use the menu of the device to select or switch between showing the transfer rate as either the alphanumeric mode or the graphics mode. The cited art, alone or in combination, is not remotely close to applicants' claimed invention.

In mentioning Herrod et al. and Schwoegler, the examiner does not indicate that either one of these references disclose or suggest a system for switching between displaying the transfer rates in an alphanumeric mode or a graphics mode. There is no disclosure or suggestion in Herrod et al. or Schwoegler of a system for switching between displaying the transfer rates in an alphanumeric mode or a graphics mode. Schwoegler relates to weather forecast information. There is no disclosure or suggestion of a data rate indicator; much less a system for switching between displaying transfer rates in an alphanumeric mode and a graphics mode, such as recited in claim 1. Any statement to the contrary is simply incorrect. Schwoegler adds nothing to the deficiencies of Walsh. Schwoegler's weather forecast service appears to be irrelevant to applicants' claimed invention. It is not understood why the examiner is even using Schwoegler in his rejection.

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Schwoegler appears to be totally unrelated to applicants' claimed invention.

Regarding independent claim 8, Walsh, Herrod et al. and Schwogler do not disclose or suggest means for displaying a data transfer rate of data with the transceiver on the display in an alphanumeric format. The examiner mentions column 33, lines 10-25 and column 31, lines 16-37 of Walsh et al. However, these sections of Walsh et al. do not disclose or suggest means for displaying a data transfer rate of data with the transceiver on the display in an alphanumeric format. The section at column 33, lines 10-25 merely describes an informational message sent by a host server to a user device (in response to a command message and with use of a program application) and presented to an operator on a display screen. This is not a disclosure or suggestion of means for displaying a data transfer rate of data with the transceiver on the display in an alphanumeric format. The section at column 31, lines 16-37 merely describes a connect-prompt message (such as an audible signal) sent to the user device 120 from the host server 110, and a command message sent from the user device 120 to the host server 110 with one or more sets of identifying information. There is no disclosure or suggestion of displaying a rate of data transfer on a display. Column 33, lines 10-25 and column 31, lines 16-37 of Walsh et al. appear to be irrelevant to the invention claimed in claim 8. Schwogler adds nothing to the deficiencies of Walsh. Schwogler's weather forecast service appears to be irrelevant to applicants' claimed invention. It is not understood why the examiner is even using Schwogler in his rejection.

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Schwoegler appears to be totally unrelated to applicants' claimed invention.

Regarding independent claim 11, Walsh, Herrod et al., and Schwoegler do not disclose or suggest a system for inactivating display of the data transfer rate on the display while the transceiver is transmitting or receiving the data. The examiner points to the following sections of Walsh as a disclosure that the controller in Walsh is adapted to display on the display a data transfer rate of data by the transceiver:

- Column 33, lines 10-25;
- Column 31, lines 16-37;
- Column 4, lines 10-47;
- Column 17, line 5 - column 18, line 41; and
- Column 35, line 21 - column 36, line 26.

However, a careful review of these sections of Walsh do not appear to disclose or suggest a controller adapted to display on the display a data transfer rate of data by the transceiver; and a system for inactivating display of the data transfer rate on the display while the transceiver is transmitting or receiving the data as recited in claim 11. Schwoegler adds nothing to the deficiencies of Walsh. The examiner does not explain how Herrod et al. is being combined with the other references. Schwoegler's weather forecast service appears to be irrelevant to applicants' claimed

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invention. It is not understood why the examiner is even using Schwoegler in his rejection. Schwoegler appears to be totally unrelated to applicants' claimed invention.

Regarding independent claim 17, Walsh, Herrod et al., and Schwoegler do not disclose or suggest selecting, by a user, a data transfer rate display mode from a plurality of data transfer rate display modes. Again, the examiner relies on the following sections of Walsh:

- Column 3, line 40 - column 4, line 8;
- Column 17, line 5 - column 18, line 41;
- Column 4, lines 10-47;
- Column 17, line 5 - column 18, line 41; and
- Column 35, line 21 - column 36, line 26.

However, a careful review of these sections of Walsh do not appear to disclose or suggest:

"selecting, by a user, a data transfer rate display mode from a plurality of data transfer rate display modes; and

displaying the data transfer rate on the display based upon the selected data transfer rate display mode"

as recited in the method of claim 17. The examiner does not explain how Herrod et al. is being combined with the other references. The addition of Schwoegler adds nothing to the deficiencies of Walsh. Schwoegler's weather forecast service appears to be irrelevant to applicants' claimed invention. It

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is not understood why the examiner is even using Schwoegler in his rejection. Schwoegler appears to be totally unrelated to applicants' claimed invention.

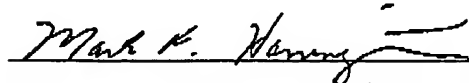
Regarding independent claim 21, Walsh, Herrod et al., and Schwoegler do not disclose or suggest selecting, by a user, to turn a displaying feature of the data transfer rate ON or OFF. The addition of Schwoegler adds nothing to the deficiencies of Walsh. Schwoegler's weather forecast service appears to be irrelevant to applicants' claimed invention. It is not understood why the examiner is even using Schwoegler in his rejection. Schwoegler appears to be totally unrelated to applicants' claimed invention. In addition, the examiner does not explain how Herrod et al. is being combined with the other references.

The features of the dependent claims, in addition to having the features of their respective independent claims, also have their own patentable features.

For all of the foregoing reasons, it is respectfully submitted that all of the claims present in the application are clearly novel and patentable over the prior art of record. Accordingly, favorable reconsideration and allowance is respectfully requested. Should any unresolved issue remain, the examiner is invited to call applicants' attorney at the telephone number indicated below.

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Respectfully submitted,



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